

OFFICIAL REPORT OF PROCEEDINGS
BEFORE THE
NATIONAL LABOR RELATIONS BOARD

In the Matter of:

Case No. 16-RC-292335

STARBUCKS CORPORATION,

Employer,

and

WORKERS UNITED SOUTHWEST REGIONAL JOINT BOARD,

Petitioner.

Place: Zoom
Date: April 5, 2022
Pages: 1 through 77
Volume: 1 of 1

OFFICIAL REPORTERS

ARS REPORTING
22052 West 66th Street, Suite 314
Shawnee, Kansas 66226
(913) 422-5198

1 UNITED STATES OF AMERICA
2 BEFORE THE NATIONAL LABOR RELATIONS BOARD
3 REGION 16
4
5
6

7 In the Matter of:

8
9 STARBUCKS CORPORATION,

10
11 Employer,

Case No. 16-RC-292335

12
13 and

14
15 WORKERS UNITED SOUTHWEST
16 REGIONAL JOINT BOARD,

17
18 Petitioner.
19
20
21
22

23 The above-titled matter came on for hearing
24 pursuant to Notice, before the PAUL SYKES, Hearing
25 Officer, held via Zoom, on Tuesday, the 5th day of
April, 2022, commencing at 9:13 a.m. Central.

A P P E A R A N C E S

On Behalf of the Employer:

ARRISSA MEYER, Esq.
AMANDA PLOOF, Esq.
STEVEN RAHHAL, Esq.
Littler Mendelson, P.C.
2001 Ross Avenue, Suite 150
Dallas, Texas 75201
Phone: (214) 880-8180 (Meyer)
(214) 880-8135 (Ploof)
(214) 880-8108 (Rahhal)
E-mail: akmeyer@littler.com
aploof@littler.com
srahhal@littler.com

On Behalf of the Petitioner:

MANUEL QUINTO-POZOS, Esq.
Deats, Durst & Owen, P.L.L.C.
707 West 34th Street, Suite 3
Austin, Texas 78705
Phone: (512) 474-6200
E-mail: mqp@ddollalaw.com

ARS REPORTING LLC

22052 West 66th Street, Suite 314
Shawnee, Kansas 66226
Phone: (913) 422-5198

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25

I N D E X

<u>WITNESSES</u>	<u>DIRECT</u>	<u>CROSS</u>	<u>REDIRECT</u>	<u>RECROSS</u>	<u>V/D</u>	<u>COURT</u>
SARAH WAYMENT	21	35				45
JUAN CANTU NARROQUIN	52					

OPENING STATEMENTS

BY MR. RAHHAL						15
BY MR. QUINTO-POZOS						17

1	<u>E X H I B I T S</u>		
2			
3	<u>EXHIBITS</u>	<u>FOR IDENTIFICATION</u>	<u>IN EVIDENCE</u>
4			
5	BOARD		
6	1 (a-k)	6	7
7	2	8	8
8	3	11	11
9	4	12	12
10	5	73	73
11			
12			
13	EMPLOYER		
14	1 (a-f)	18	18
15	2	19	19
16	3	19	19
17			
18			
19	PETITIONER		
20	1	56	57
21	2	56	57
22			
23			
24			
25			

P R O C E E D I N G S

[9:13 a.m. Central]

HEARING OFFICER PAUL SYKES: Okay?

THE COURT REPORTER: We are on.

HEARING OFFICER SYKES: Okay, thank you.

The hearing will be in order.

This is a formal hearing in the matter of Starbucks Corporation, Case No. 16-RC-292335, before the National Labor Relations Board.

The Hearing Officer appearing for the National Labor Relations Board is Paul Sykes, S-y-k-e-s.

All parties have been informed of the Procedures at Formal Hearings before the Board by service of a Description of Procedures in Certification and Decertification Cases with the Notice of Hearing. I have additional copies of this document if any party wants more.

I want to state on the record, that for the hearing, that the intention is to offer and receive exhibits in an electronic form, where practical. With respect to each exhibit offered and received in electronic form, there is no request to have the electronic document scanned or otherwise formatted.

Will Counsel please state their appearances for the record?

ARS REPORTING LLC

22052 West 66th Street, Suite 314

Shawnee, Kansas 66226

Phone: (913) 422-5198

1 For the Petitioner?

2 MR. QUINTO-POZOS: Manuel Quinto-Pozos.

3 HEARING OFFICER SYKES: Thank you.

4 Okay, and for the Employer?

5 MS. MEYER: Arrissa Meyer.

6 MR. RAHHAL: Steven Rahhal.

7 MS. PLOOF: And Amanda Ploof.

8 HEARING OFFICER SYKES: Okay, are there any other
9 appearances?

10 *[No response]*

11 HEARING OFFICER SYKES: Let the record show no
12 response.

13 Are there any other persons, parties, or labor
14 organizations in the hearing room who claim an interest
15 in this proceeding?

16 *[No response]*

17 HEARING OFFICER SYKES: Let the record show no
18 response.

19 Okay, so I would now propose to receive the Formal
20 Papers.

21 They have been marked for identification as Board's
22 Exhibit 1(a) through 1(k), inclusive; Exhibit 1(k) being
23 an Index and Description of the entire exhibit.

24 **(Board's Exhibit 1(a) through 1(k), inclusive, marked**
25 **for identification.)**

1 HEARING OFFICER SYKES: The exhibit has already
2 been provided to all parties.

3 Are there any objections to the receipt of these
4 exhibits into the record?

5 MR. QUINTO-POZOS: No objection.

6 HEARING OFFICER SYKES: Okay, hearing no
7 objections, the Formal Papers are received into evidence
8 as Board's Exhibit 1.

9 **(Board's Exhibit 1(a) through 1(k), inclusive, received**
10 **into evidence.)**

11 HEARING OFFICER SYKES: Are there any motions to
12 intervene in these proceedings to be submitted to the
13 Hearing Officer for ruling by the Regional Director, at
14 this time?

15 *[No response]*

16 HEARING OFFICER SYKES: Let the record show no
17 response.

18 Are there any pre-hearing motions made by any party
19 that need to be addressed at this time?

20 *[No response]*

21 HEARING OFFICER SYKES: Let the record show no
22 response.

23 HEARING OFFICER SYKES: Okay, the parties to this
24 proceeding have executed a document which is marked as
25 Board's Exhibit 2.

1 **(Board's Exhibit 2, marked for identification.)**

2 HEARING OFFICER SYKES: That exhibit contains a
3 series of stipulations, including, among other things,
4 that the Petitioner is a labor organization within the
5 meaning of the Act, that there is no contract bar, and
6 that the Employer meets the jurisdictional standards of
7 the Board. There are also references incorporating
8 several other records into this particular case.

9 Are there any objections to the receipt of Board's
10 Exhibit 2?

11 *[No response]*

12 HEARING OFFICER SYKES: Okay, hearing no objections,
13 Board's Exhibit 2 is received into evidence.

14 **(Board's Exhibit 2, received into evidence.)**

15 HEARING OFFICER SYKES: And I will just ask the
16 parties, but I know I am aware of this, but are there any
17 petitions pending in other Regions involving other
18 facilities of the same Employer?

19 MR. RAHHAL: Multiple.

20 HEARING OFFICER SYKES: Okay, and there -- there is a
21 pending case in this Region right now. Does anybody know
22 the case number? I am trying to --

23 MS. PLOOF: For San Antonio-1?

24 HEARING OFFICER SYKES: Yes.

25 MS. PLOOF: I believe it is 16-RC-290302, but I can

1 double-check that.

2 MR. RAHHAL: That is correct.

3 HEARING OFFICER SYKES: Okay, and I guess I will ask
4 the Employer, does the Employer believe that that prior
5 San Antonio case impacts this one?

6 MR. RAHHAL: Absolutely. As we did in that prior
7 case, we urge that the only appropriate unit is a
8 District-wide unit, which would include the current store
9 that is at issue today, but also the petitioned-for store
10 in 16-RC-290302.

11 HEARING OFFICER SYKES: I see, and I will get the
12 Petitioner's response on whether that prior San Antonio
13 case, I guess, San Antonio-1 impacts the instant case, San
14 Antonio-2.

15 MR. QUINTO-POZOS: Are you asking now?

16 HEARING OFFICER SYKES: Yes.

17 MR. QUINTO-POZOS: Yeah, I believe that the cases are
18 related insofar as all of the Starbucks' operations are
19 the same in this District, and in other Districts. I
20 don't think the case is any more related than cases in
21 other Regions, but of course, the Union's position in this
22 -- in this case, and that case, and in the other cases in
23 the Regions, is that the petitioned-for unit, mainly the
24 store, is an appropriate unit for an election.

25 HEARING OFFICER SYKES: Okay.

ARS REPORTING LLC

22052 West 66th Street, Suite 314
Shawnee, Kansas 66226
Phone: (913) 422-5198

1 The parties are reminded that prior to the close of
2 hearing, the Hearing Officer will solicit the parties'
3 position on election details including the type, mail,
4 manual, or partial manual/mail. The best days of the
5 week, times, and locations for conducting an election.
6 Any dates in which an election could not occur,
7 including the reason, where and how to conduct, and kind
8 of ballots, and the eligibility period, but will not
9 permit litigation on those issues. The Hearing Officer
10 will also inquire as to the need for foreign language
11 ballots and Notices of Election, and the proposed number
12 of observers for each party for each polling period,
13 including the reason.

14 Please have the relevant information with respect
15 to these issues available at that time.

16 The parties have been advised that the hearing will
17 continue from day to day, as necessary, until the
18 hearing is completed, unless the Regional Director
19 concludes that extraordinary circumstances warrant
20 otherwise.

21 The parties are also advised that upon request, any
22 party is entitled to a reasonable period at the close of
23 the hearing for oral argument, which shall be included
24 in the transcript of the hearing. Any party desiring to
25 submit a brief to the Regional Director, shall be

1 entitled to do so within five business days after the
2 close of the hearing. Prior to the close of the
3 hearing, and for good cause, the Hearing Officer may
4 grant an extension of time to file a brief, not to
5 exceed an additional ten business days.

6 And before we go off the record, I just have to
7 e-mail an exhibit.

8 *[Off the record]*

9 HEARING OFFICER SYKES: Okay, so, the Employer has
10 completed, and I have marked for identification as
11 Board's Exhibit 3, a Statement of Position in this
12 matter.

13 **(Board's Exhibit 3, marked for identification.)**

14 HEARING OFFICER SYKES: Are there any objections to
15 receipt of this exhibit into the record?

16 *[No response]*

17 HEARING OFFICER SYKES: Hearing no objection,
18 Board's Exhibit 3 is received into the record.

19 **(Board's Exhibit 3, received into evidence.)**

20 HEARING OFFICER SYKES: Okay, so looking at Board's
21 Exhibit 3, the Employer's Position Statement, the
22 Employer's position is that the single-store unit at
23 Store 15587 is not appropriate, also located at 200 East
24 Houston Street, also referred to as Houston and Saint
25 Mary's store, is not appropriate because the only

1 appropriate unit is a District-wide unit of all thirteen
2 stores in District 2087, and that the Union's selective
3 filing violates Section 9(c)(5) of the Act, and that the
4 inclusion of the Assistant Store Managers is not
5 appropriate.

6 Does that accurately reflect the Employer's
7 position?

8 MR. RAHHAL: It does.

9 HEARING OFFICER SYKES: Okay, and then the
10 Petitioner has completed, and I have marked for
11 identification as Board's Exhibit 4, a Responsive
12 Statement of Position in response to the Statement of
13 Position submitted by the Employer.

14 **(Board's Exhibit 4, marked for identification.)**

15 HEARING OFFICER SYKES: Are there any objections to
16 r Board's Exhibit 4?

17 *[No response]*

18 HEARING OFFICER SYKES: Hearing no objections,
19 Board's Exhibit 4 is entered into evidence.

20 **(Board's Exhibit 4, received into evidence.)**

21 HEARING OFFICER SYKES: Okay, so in Board's Exhibit
22 4, the Petitioner's position is that the single-store
23 unit is appropriate under well-established Board law,
24 and that the Employer cannot make that presumption in
25 this case. The Union also the position that the

1 Assistant Store Managers should be included because they
2 do not perform any of the indicia of supervisory status
3 under Section 2(11) of the Act.

4 Does that accurately reflect the Petitioner's
5 position?

6 MR. QUINTO-POZOS: Yes, it does.

7 HEARING OFFICER SYKES: Okay. Thank you.

8 *[Long pause]*

9 HEARING OFFICER SYKES: Okay, and does any party
10 contend, and I will start with the Employer, does any
11 party contend that anything other than the Board's
12 standard eligibility formula for voting is required,
13 given the industry in which the Employer is engaged, and
14 that standard being the Davison Paxon Formula?

15 MR. RAHHAL: We believe that standard should apply.

16 HEARING OFFICER SYKES: Okay, and then, just a
17 follow-up question...

18 Does the Employer contend that the use of a formula
19 is absolutely necessary in this particular case?

20 MR. RAHHAL: I am going to say that yes, it is.

21 HEARING OFFICER SYKES: And then I will get the
22 Petitioner's position on this.

23 The first question being, do you believe there is
24 any alternative formula that should be used, and then
25 the second part of the question is, do you believe that

1 it is absolutely necessary to use a formula in this
2 particular case?

3 MR. QUINTO-POZOS: The Union is not proposing a
4 different -- a different standard, or a different
5 formula, and that the Union does not take a position or
6 dispute the necessity of a formula. I think in previous
7 hearings we've expressed that this is a part-time
8 workforce with very low hours, and that remains the
9 Union's position.

10 HEARING OFFICER SYKES: Okay.

11 [Long pause]

12 HEARING OFFICER SYKES: Okay. Okay, and is there
13 anything else that we need to discuss at this point?

14 [No response]

15 HEARING OFFICER SYKES: Hearing no response....

16 Okay, so the Regional Director has directed that
17 the following issues will be litigated in this
18 proceeding. The only issue to be litigated is the scope
19 of the unit, and specifically, whether a single-facility
20 unit at Store 15287, located at 200 East Houston Street,
21 San Antonio, Texas, is appropriate, or whether the
22 smallest appropriate unit must include a District-wide
23 unit made up from all thirteen stores in District 2087.

24 The Regional Director has decided that the issue of
25 whether the Assistant Store Managers are 2(11)

ARS REPORTING LLC

22052 West 66th Street, Suite 314

Shawnee, Kansas 66226

Phone: (913) 422-5198

1 supervisors, and thus should not be included in any unit
2 found appropriate, will not be litigated in this
3 proceeding, because the issue relates to an eligibility
4 for inclusion of an insignificant portion of the unit,
5 and the Regional Director has exercised his discretion
6 to defer this issue.

7 Please be aware that because a single-facility unit
8 is presumptively appropriate, the Employer has the
9 burden of providing the appropriateness of a multi-
10 facility unit. You must present specific detailed
11 evidence in support of your position. General
12 conclusionary statements by witnesses will not be
13 sufficient.

14 Now I will give the chance -- does the Employer
15 want to make an Opening Statement?

16 MR. RAHHAL: Please, just a very quick, short
17 statement.

18 HEARING OFFICER SYKES: Okay, you can go ahead..

19 MR. RAHHAL: Okay, thank you.

20 OPENING STATEMENT - Employer

21 MR. RAHHAL: Again, we have all been here before,
22 becoming fast friends. There are no surprises here,
23 Paul, and the Union, we spelled it out in our Statement
24 of Position. We have spelled it out in our response to
25 the Board's Order to show cause, and we submitted the

1 specific and particular evidence in Case No. 16-RC-
2 290302, which we have asked the Board to take notice of
3 in this case.

4 So, there is really nothing here to litigate that
5 has not already been litigated.

6 Simply put, though, the Union now seeks to
7 represent the Starbucks Baristas and Shift Supervisor at
8 the store located at 200 East Houston Street, also known
9 as Store No. 15287. The Company believes that it has
10 already submitted sufficient, specific, and overwhelming
11 evidence that a single-store unit is not appropriate,
12 and that the only appropriate unit is a unit that
13 consists of all thirteen stores in District 2087, and
14 therefore, we argue for the same results here, that we
15 argued for the result in the other case, which we call
16 San Antonio-1, and that is, that if an election is
17 directed, it be directed to all of the Baristas and
18 Shift Supervisors at all of the stores in District 2087,
19 the only appropriate unit.

20 HEARING OFFICER SYKES: Thank you.

21 And does the Petitioner want to give an Opening
22 Statement?

23 MR. QUINTO-POZOS: Yes, just very briefly.

24 HEARING OFFICER SYKES: Go ahead.

25 MR. QUINTO-POZOS: Thank you.

1 OPENING STATEMENT - Petitioner

2 MR. QUINTO-POZOS: I agree with Mr. Rahhal that we
3 have all been through this before, and you know, it --
4 this is going to start sounding like a broken record.

5 There is clear presumption under Board -- under
6 long-established Board law that a single-store unit is
7 an appropriate unit for an election, and the Employer
8 has a very heavy burden to overcome that presumption.

9 There have been multiple cases decided all over the
10 country, in multiple regions, that have denied, or
11 rejected the Employer's position that a multi-store unit
12 is appropriate, and the same result is necessary here.
13 Those decisions have been reviewed by the National Labor
14 Relations Board, the Board itself, multiple times, and
15 the Union believes that the evidence in this hearing, as
16 well as in the prior San Antonio hearing, is sufficient
17 to compel the same result.

18 The circumstances in this store are unique to this
19 store. They are not circumstances that are widely
20 applicable to the entire District, and for that reason,
21 an election should be ordered for this store as an
22 appropriate unit.

23 Thank you.

24 HEARING OFFICER SYKES: Thank you.

25 So, I guess, we can start with the Employer.

ARS REPORTING LLC

22052 West 66th Street, Suite 314

Shawnee, Kansas 66226

Phone: (913) 422-5198

1 Based on our discussions yesterday, I did not
2 believe the Employer would be presenting a witness right
3 away, but they probably will be introducing some
4 exhibits, but I -- I will leave that to them to...

5 MR. RAHHAL: That's correct. At this time we are
6 not going to introduce any live testimony, although we
7 reserve the right to do so if necessary, but maybe this
8 is the time for you -- that you would like us to move to
9 have certain exhibits admitted into the record.

10 HEARING OFFICER SYKES: Yeah, I think that would be
11 a good idea.

12 MR. RAHHAL: Okay, so then at this time, the
13 Employer moves to have admitted Employer's Exhibits 1(a)
14 through 1(f), that the parties have already stipulated
15 to.

16 **(Employer's Exhibit 1(a) through 1(f), marked for**
17 **identification.)**

18 HEARING OFFICER SYKES: Any objection?

19 MR. QUINTO-POZOS: No objection.

20 HEARING OFFICER SYKES: Thank you.

21 Hearing no objection, Exhibits -- Employer's
22 Exhibit 1(a) through 1(f) is entered into the record.

23 **(Employer's Exhibit 1(a) through 1(f), received into**
24 **evidence.)**

25 MR. RAHHAL: The Employer also asks that Employer's

1 Exhibit 2 be admitted into the record.

2 **(Employer's Exhibit 2, marked for identification.)**

3 MR. QUINTO-POZOS: No objection.

4 That is the CD?

5 MR. RAHHAL: Correct.

6 MR. QUINTO-POZOS: Yes, no objection.

7 HEARING OFFICER SYKES: Hearing no objection,
8 Employer's Exhibit 2 is entered into the record.

9 **(Employer's Exhibit 2, received into evidence.)**

10 MR. RAHHAL: And then, the Employer would ask that
11 Employer's Exhibit 3 be admitted into the record, and
12 those are the graphic depictions that were prepared by
13 the expert, Dr. Abby Turner.

14 **(Employer's Exhibit 3, marked for identification.)**

15 HEARING OFFICER SYKES: Any objection?

16 MR. QUINTO-POZOS: No objection.

17 HEARING OFFICER SYKES: Hearing no objections,
18 Employer's Exhibit 3 is entered into the record.

19 **(Employer's Exhibit 3, received into evidence.)**

20 HEARING OFFICER SYKES: Okay, I guess we can go off
21 -- off the record.

22 *[Off the record]*

23 HEARING OFFICER SYKES: On the record, please.

24 So, yes, the Employer has presented three exhibits
25 that are referenced in Board's Exhibit 2, and they have

1 indicated that they are not going to be presenting any
2 live witnesses, but retain the right to recall a witness
3 if necessary.

4 So, at this point, is the Employer resting their
5 case, subject to, you know, recalling a witness later?

6 MR. RAHHAL: *[Inaudible]*

7 MR. QUINTO-POZOS: Steve, I am not getting any
8 sound from you, but you don't seem...

9 MR. RAHHAL: Can you hear me now?

10 MR. QUINTO-POZOS: Yes.

11 MR. RAHHAL: They are giving me a used headset, so
12 I don't...

13 I just want to make clear that the parties have
14 stipulated to the Board taking notice of the other
15 records in previous cases, including San Antonio-1,
16 which is Case 16-RC-290302. All of that is reflected in
17 Paragraph 19 of the stipulation that the parties entered
18 into, which I believe is Board's Exhibit 2.

19 HEARING OFFICER SYKES: Yes. Again, that is my
20 understanding.

21 MR. RAHHAL: I just wanted the record to reflect
22 that, and having done so, the Employer does rest its
23 case, reserving its right to bring on any rebuttal
24 witnesses that we believe might be necessary.

25 HEARING OFFICER SYKES: Okay. So at this time, I

ARS REPORTING LLC

22052 West 66th Street, Suite 314
Shawnee, Kansas 66226
Phone: (913) 422-5198

1 guess, the Petitioner can go ahead and start with their
2 first witness.

3 MR. QUINTO-POZOS: Okay, so the Petitioner would
4 like to call Sarah Wayment, as its first witness.

5 HEARING OFFICER SYKES: Okay, and Sarah, I am Paul,
6 the Hearing Officer, and I just wanted to let you know,
7 to make sure to give a verbal response when you are
8 being questioned, and if somebody objects, or you don't
9 understand the question, let us -- you know, pause, and
10 tell us that, or if there is an objection, let -- let me
11 rule on the objection before you answer.

12 So, if you will raise your right hand, I will swear
13 you in.

14 (Whereupon,

15 **SARAH WAYMENT**

16 having been sworn/affirmed, was called as a witness
17 herein, and was examined and testified via video-
18 conference, as follows:)

19 HEARING OFFICER SYKES: Thank you.

20 Okay, you can start your examination.

21 MR. QUINTO-POZOS: Thank you.

22 DIRECT EXAMINATION

23 Q. BY MR. QUINTO-POZOS: Would you please state and
24 spell your full name?

25 A. Yeah, it is Sarah Wayment; S-a-r-a-h, W-a-y-m-e-n-

ARS REPORTING LLC

22052 West 66th Street, Suite 314
Shawnee, Kansas 66226
Phone: (913) 422-5198

1 t.

2 Q. Thank you.

3 How are you employed?

4 A. I work at Starbucks.

5 Q. Which one?

6 A. The one at 200 East Houston Street.

7 Q. And is it okay if we call that the Houston and
8 Saint Mary's Starbucks?

9 A. Yes.

10 Q. And that is in San Antonio?

11 A. Correct.

12 Q. And what is your job title?

13 A. I am a Shift Supervisor.

14 Q. How long have you worked at Starbucks?

15 A. I have worked at the company for just over ten
16 years now.

17 Q. And have you always worked at the same store?

18 A. I have worked at that location for about eight of
19 those years.

20 Q. And where else have you worked for Starbucks?

21 A. Before Starbucks, or for Starbucks?

22 Q. For Starbucks --

23 A. Oh, okay.

24 Q. -- other than the Houston and Saint Mary's.

25 A. My original store was at the Huebner Oaks Shopping

ARS REPORTING LLC

22052 West 66th Street, Suite 314

Shawnee, Kansas 66226

Phone: (913) 422-5198

1 Center, and then I worked for a couple months at the
2 Nacogdoches and North New Braunfels store, and the
3 entire rest of the time has been at Houston and St.
4 Mary's.

5 Q. Okay.

6 THE COURT REPORTER: Can I -- can I interrupt you
7 there.

8 So, I am not familiar with that area. Can you
9 spell those for me, please?

10 THE WITNESS: Yeah, the first store is Huebner
11 Oaks, H-u-e-b-n-e-r, I believe, Oaks. And then, the
12 other one is Nacogdoches -- I believe.

13 Q. BY MR. QUINTO-POZOS: Did you say what the
14 intersection was, New Braunfels?

15 A. Yeah, North New Braunfels.

16 Q. And can you spell that?

17 A. Oh, can I spell that? Let's see, New, and then
18 Braunfels is, I want to say, B-r-a-u-n-f-e-l-s, I think.

19 Q. That is what I think, too.

20 A. Okay, cool. Like I can write it, but can I say it,
21 I am not quite sure.

22 Q. And do you know who makes the Barista and Shift
23 Supervisor schedules at Houston and Saint Mary's?

24 A. Our Store Manager, Michael, makes our schedules.

25 Q. How do you know that that is who makes them?

ARS REPORTING LLC

22052 West 66th Street, Suite 314
Shawnee, Kansas 66226
Phone: (913) 422-5198

1 A. If you have a request, you would ask him if he is
2 running behind in posting it, he will be -- he will tell
3 you the schedule is going to be a day late being posted,
4 and when he is done with it, he prints it out and posts
5 them in the back of house.

6 Q. Do you know if the Store Manager uses any tools to
7 create the schedules?

8 A. Yeah, I believe there is a tool he uses to do it.
9 Yeah, there is a -- like a -- a schedule builder that
10 they use.

11 Q. And do you know if the -- if this schedule builder
12 or the tool itself makes the schedule?

13 A. It doesn't -- it doesn't make the schedule without
14 some input from him. It can suggest, like it knows
15 people's availability, so it can kind of what shift
16 there should be, to my knowledge, but it doesn't make it
17 for him.

18 Q. Do you know -- do you know if the District Manager
19 plays a role in making the schedules?

20 A. No, not like the schedule for our store. Not to my
21 knowledge.

22 *[Voice interruption in the background]*

23 MR. QUINTO-POZOS: I'm sorry about that. I think
24 we are good now.

25 Q. BY MR. QUINTO-POZOS: And who typically handles

ARS REPORTING LLC

22052 West 66th Street, Suite 314
Shawnee, Kansas 66226
Phone: (913) 422-5198

1 discipline of Baristas and Shift Supervisors at Houston
2 and Saint Mary's?

3 A. Our Store Manager, as well.

4 Q. Have you ever been disciplined at Starbucks?

5 A. Yes.

6 Q. Okay, and who has disciplined you?

7 A. My Store Manager.

8 Q. Okay. And in your experience, do you know whether
9 a Store Manager needs to consult with the District
10 Manager, prior to imposing discipline?

11 A. No, they don't need to consult with the District
12 Manager to impose discipline. Potentially to fire
13 someone, but not to impose discipline.

14 Q. And how do you know that?

15 A. I have been given, like a written warning. There
16 was something that happened while I am there, without
17 them talking to anyone in between.

18 Q. Have you -- have you been aware of a Store Manager
19 imposing discipline on someone else?

20 A. Yes.

21 Q. Okay, and do you know whether the Store Manager in
22 that situation had a consultation or checked with the
23 District Manager?

24 A. No. I don't believe they did.

25 Q. Okay, and -- okay.

ARS REPORTING LLC

22052 West 66th Street, Suite 314
Shawnee, Kansas 66226
Phone: (913) 422-5198

1 [Long pause]

2 Q. Okay, have you ever been -- have you ever seen the
3 District Manager be involved in discipline of a Barista
4 or Shift Supervisor?

5 A. I have only seen the District Manager involved in
6 the discipline of a Shift Supervisor one time.

7 Q. And what did that entail, or what kind of situation
8 was involved?

9 A. It was a -- like a theft situation in which that
10 Supervisor was asked to meet off-site with the District
11 Manager, and was fired like not at our store, because of
12 the severity of the issue.

13 Q. During the time that you -- that your home store
14 has been Houston and Saint Mary's, have you worked at
15 other stores?

16 A. Occasionally.

17 Q. All right, can you approximate how often or how
18 many times?

19 A. I have worked at other stores, I would say, a total
20 of less than -- maybe more than ten but less than twenty
21 times total, the whole time.

22 Q. You mean, in -- in that eight-year period that you
23 have worked at Houston and Saint Mary's?

24 A. Correct.

25 Q. Okay, and could you work at other stores more often

ARS REPORTING LLC

22052 West 66th Street, Suite 314

Shawnee, Kansas 66226

Phone: (913) 422-5198

1 than that?

2 A. If I wanted to, I probably could, yes.

3 Q. Okay, and why haven't you?

4 A. I have no desire specifically to go looking to work
5 at other stores.

6 Q. Can you -- can you expand on why that is?

7 A. I like to work at my home store. I don't
8 specifically want to go out of my way. I live close to
9 my store. I like my store. I don't specifically want
10 to go work at a drive-through all of the time, or need
11 to pick up extra hours. For monetary reasons, I think
12 is the reason most people would do that. As a Shift
13 Supervisor, I have a pretty stable schedule. I don't
14 need to like -- if I need more money this week, I have
15 to find a shift somewhere else.

16 Q. So, Houston and Saint Mary's is a café only store;
17 is that right?

18 A. Correct. Yes.

19 *[Rooster crowing in background]*

20 MR. QUINTO-POZOS: Who has the rooster in the
21 background?

22 THE WITNESS: That's me. I'm sorry.

23 MR. QUINTO-POZOS: Okay. I can say that I haven't
24 ever heard that at a Starbucks hearing before, so I am
25 enjoying it.

ARS REPORTING LLC

22052 West 66th Street, Suite 314
Shawnee, Kansas 66226
Phone: (913) 422-5198

1 *[Laughter]*

2 Q. BY MR. QUINTO-POZOS: Have you ever been forced to
3 work at another store?

4 A. Forced, no. Asked -- asked strongly, yes.

5 Q. Have you ever said no?

6 A. Yes, I have said no.

7 Q. And did you face any consequences for saying no?

8 A. No.

9 Q. And when you've been on shift at Houston and Saint
10 Mary's, how often have you seen Partners from other
11 stores working at Houston and Saint Mary's?

12 A. Once or twice a week at the most frequent; once
13 every month or two at the least frequent.

14 Q. We have had testimony in previous hearing about
15 something called a Play Builder Tool.

16 Is that something -- is that something that you are
17 familiar with?

18 A. Yes.

19 Q. Do you use it?

20 A. Yes.

21 Q. Okay, and -- and as a Shift Supervisor, you are
22 sometimes assigned to be what is called the Play Caller,
23 right?

24 A. Correct.

25 Q. And are there times that you do not follow its

1 "plays?"

2 A. Yes.

3 Q. When -- when you don't follow its plays, why don't
4 you?

5 A. If there's a, like a bottleneck in what is going
6 on, there is a lot of people in line, or there is a lot
7 of people waiting for drinks, you are supposed to do
8 what is called "flexing the play." So I would ask
9 somebody to change their position from what they would
10 be assigned by the Play Builder to fix that, and -- and
11 make sure it is silenced.

12 Q. Do you know if the Store Manager can deviate from
13 the play -- from the plays?

14 A. Yes.

15 Q. How do you know?

16 A. They will come in sometimes and look at it and say,
17 "This isn't going to work right now. We need somebody
18 to do it," and then they would do that.

19 Q. And do you know if you are subject to discipline
20 for not following the plays?

21 A. I have never been specifically disciplined, like
22 given a corrective action for doing something like that.
23 I have had them be like, "Are you following the play?
24 Maybe you should." But I have never been disciplined
25 for just that, no.

ARS REPORTING LLC

22052 West 66th Street, Suite 314

Shawnee, Kansas 66226

Phone: (913) 422-5198

1 Q. How would you describe the work environment at
2 Houston and Saint Mary's?

3 A. It can be pretty fast-paced, and you definitely
4 want to pay attention to what is going on. We are right
5 in the middle of downtown, so there is a lot going on
6 all of the time.

7 Q. And how is the work environment at other stores
8 where you have worked?

9 A. Some stores are a lot more laid back, slower-paced.
10 A drive-through is like completely different; I have
11 rarely done that.

12 When I was at like the Nacogdoches and North New
13 Braunfels store, it was mostly slow-paced, except they
14 had like a school crowd, which just varies from location
15 to location.

16 Q. Have you ever had to call the police at Houston and
17 Saint Mary's?

18 A. Yes.

19 Q. For what kinds of things?

20 A. Disruptive behavior; somebody was refusing to leave
21 after causing a disturbance, or a whole lot of things.
22 We have had to call the police many times at my
23 location, or EMS. Sometimes we have somebody who is
24 like unresponsive in the restroom, or that kind of
25 thing.

ARS REPORTING LLC

22052 West 66th Street, Suite 314
Shawnee, Kansas 66226
Phone: (913) 422-5198

1 Q. How common is it that you would have to call Public
2 Safety?

3 A. It varies, but pretty frequent.

4 Q. Can you put a number on that?

5 A. Not every shift, but sometimes multiple times a
6 shift, and, you know, definitely I would say at least
7 once a week.

8 Q. When you worked at previous stores, how -- how
9 common was it to have to call Public Safety?

10 A. I have never had to call Public Safety at another
11 store.

12 Q. Including when you were at -- when your home store
13 was somewhere else?

14 A. Yes. Never at any other stores.

15 Q. How many Store Managers have you worked with at
16 Houston and Saint Mary's?

17 A. Five.

18 Q. And in your experience, how was the work
19 environment at the store, given a particular Store
20 Manager?

21 A. I would say that the work environment is definitely
22 affected by the Store Manager. It is not the only
23 affect, but they definitely have an effect. Yeah, it is
24 noticeable.

25 Q. Can you give some examples of what -- of what you

1 mean by that?

2 A. Some Store Managers are much more organized than
3 other Store Managers. Some Store Managers are more
4 prone to going straight to disciplinary action than
5 others. Some are better at like balancing who they are
6 putting on a schedule, or how the schedule meets the
7 business needs, so that the shift tends to be more or
8 less stressful on the Partners who are working. Some
9 are more inclusive than others in the way they talk to
10 Partners than not -- I mean, I have had a Store Manager
11 that was kind of prejudiced I would say.

12 Yes, it definitely affects the store.

13 Q. When was the last time there was a change in Store
14 Managers at Houston and Saint Mary's?

15 A. It was about not quite a year now, I want to say.

16 Q. And what happened to the previous Store Manager at
17 that time?

18 A1 I am not a hundred percent sure exactly the
19 details. I know he was -- his attendance was getting
20 infrequent, and I just heard complaints. We all just
21 stopped sharing with him or being able to get in touch
22 with him.

23 Q. And -- and then there was a new Manager after that?

24 A. Correct.

25 Q. Okay, and that is the current Manager now?

ARS REPORTING LLC

22052 West 66th Street, Suite 314

Shawnee, Kansas 66226

Phone: (913) 422-5198

1 A. Okay. And how was the work environment during this
2 transition?

3 A. During the transition -- when we stopped being able
4 to kind of rely on our previous Store Manager, a lot of
5 -- there was a lot of times when they should have been
6 there on the schedule, and there was no one to fill in
7 for them, so it kind of fell on the Shift Supervisors to
8 kind of deal with being short-staffed and having no one
9 to go to but yourself for a few weeks there. There were
10 definitely times like when people were waiting outside,
11 and no one was there with keys to let them in, because
12 it was supposed to have been our Store Manager right at
13 the end of that.

14 Q. And how did -- what was the work environment like
15 after the new Manager came in?

16 A. It improved pretty rapidly making a schedule that
17 worked for the store.

18 Q. Historically, how often have you seen the District
19 Manager at your store?

20 A. Very, very rarely.

21 Q. Can you attach a number to that?

22 A. Every few months, at most.

23 Q. Granted, you are not at the store 24/7; correct?

24 A. Correct.

25 Q. So that is only at the times that you have been

ARS REPORTING LLC

22052 West 66th Street, Suite 314

Shawnee, Kansas 66226

Phone: (913) 422-5198

1 there, right?

2 A. Correct.

3 Q. Okay.

4 A. Although I typically -- we typically know when
5 someone is going to hear about it after they are there,
6 as a Supervisor.

7 Q. Okay.

8 MR. QUINTO-POZOS: I will pass the witness, and
9 Sarah, others may have additional questions for you, so
10 hang tight, okay?

11 THE WITNESS: Okay.

12 HEARING OFFICER SYKES: Okay, does the Employer
13 have any cross?

14 MS. MEYER: We will.

15 Can we take a quick break?

16 HEARING OFFICER SYKES: Sure. What, like five
17 minutes?

18 MS. MEYER: Yeah, that's fine.

19 HEARING OFFICER SYKES: Okay, let's go off the
20 record.

21 [Off the record]

22 HEARING OFFICER SYKES: Okay, we are back on the
23 record.

24 You can start your cross examination.

25 MS. PLOOF: Thank you.

1 CROSS EXAMINATION

2 Q. BY MS. PLOOF: Sarah, my name is Amanda Ploof. I
3 am a lawyer with Littler Mendelson, which is a law firm
4 representing Starbucks in this case.

5 I just have a couple questions for you.

6 I want to start with your history with Starbucks.

7 You said you worked at two previous stores before
8 coming to Houston and Saint Mary's. What District were
9 those in?

10 A. *[Inaudible - Muted]*

11 HEARING OFFICER SYKES: I'm sorry, you are muted.

12 THE WITNESS: Oh, sorry. Thanks.

13 At the time I transferred to Nacogdoches and North
14 New Braunfels, it was in the same District as us. I
15 believe the District lines have changed, but I am not
16 sure if that is the case anymore.

17 Also, I am not sure what the District number of the
18 Huebner and North Oaks Store was. I know it wasn't in
19 the District. I am not a hundred percent sure now what
20 the District number was. That was such a long time ago.

21 Q. BY MS. PLOOF: Sure. That's -- but it wasn't in
22 District 2087

23 A. No.

24 Q. Okay. And when you moved between those stores, did
25 you transfer stores?

ARS REPORTING LLC

22052 West 66th Street, Suite 314
Shawnee, Kansas 66226
Phone: (913) 422-5198

1 A. Yes.

2 Q. And when you did that, did you go through a process
3 of submitting a request to your Store Manager?

4 A. I -- yes. So I had to talk to the Store Manager at
5 the store that I was transferring to, and then I gave a
6 Transfer Request to my previous Store Manager.

7 Q. Your previous --

8 A. The store I was currently at.

9 Q. Okay.

10 A. So I went and talked to the Store Manager at the
11 store I was trying to go to, talked to them, and then
12 went back and talked to my own.

13 Q. Okay, and then you filled out the formal request
14 form?

15 A. Uh-huh.

16 Q. And do you know what, if any, the District Manager
17 had in that process?

18 A. I know they had to sign the Transfer Request --

19 Q. And --

20 A. -- but I didn't ever talk to them about it.

21 Q. So the District Manager was involved in that
22 Transfer?

23 A. The first time I transferred, I know they had to
24 sign it, but I never spoke to them about it. The second
25 time, there was a little bit more involvement because

ARS REPORTING LLC

22052 West 66th Street, Suite 314

Shawnee, Kansas 66226

Phone: (913) 422-5198

1 they had wanted me to transfer to a different store,
2 that I wasn't really willing to transfer to.

3 Q. And that was? Which store was that?

4 A. When I was at the Nacogdoches and North New
5 Braunfels store, so when I had transferred into that
6 District, the District I am in now, which was currently
7 -- it was then the same District. I don't know if that
8 is the case now though.

9 I had transferred because I was trying to work at a
10 store closer to where I was living, and I had requested
11 actually to transfer to the Broadmore (sic) and Joliet
12 store, or the Houston and Saint Mary's store, and then I
13 was told after I had put in all of my requests, and had
14 been taken off the schedule at my old store, that the
15 new District Manager, and the District Manager that I
16 was supposed to be working with at the new store, I was
17 supposed to go to Broadway and Joliet, they said, "We
18 temporarily need somebody to go to the Nacogdoches
19 store. Can you go there instead," and I agreed to it.
20 And then, you know, a few months in, they were opening a
21 new store at -- I believe it was Wurzbach and Rittiman,
22 and they tried to ask me to transfer there, you know,
23 and I had said, "Hey, I was actually trying to transfer
24 closer to my house, that is farther from my house. I
25 ride my bike to work. I can't go that far. If you want

ARS REPORTING LLC

22052 West 66th Street, Suite 314
Shawnee, Kansas 66226
Phone: (913) 422-5198

1 to transfer me, it has got to be close to my house where
2 I wanted to be originally," and that is how I ended up
3 at the Houston and Saint Mary's store, which is where I
4 originally had been willing to go.

5 Q. Okay, and a District Manager was involved in that
6 discussion, that ongoing discussion?

7 A. Yes.

8 Q. Okay, thank you.

9 And you also had testified a little bit about the
10 schedule at your store, and I believe you testified
11 about a tool that is used to create the schedule. Is
12 that correct?

13 A. Yes.

14 Q. Have you ever personally used that tool?

15 A. We don't have access to it at as Shift Supervisors.
16 I have seen a very small amount of how it works. I was,
17 you know, trying to promote at a point, and I have had
18 them do like, "Oh, yeah." I have had my Store Manager
19 say, "Oh, it -- it will kind of like auto-generate
20 something, but it is never right. I have to tweak it,"
21 you know.

22 Q. Sure. Okay, and when the Store Manager is making
23 those tweaks, you don't know what, if any, the District
24 Manager's involvement is, and assisting with those
25 modifications or giving direction regarding the

ARS REPORTING LLC

22052 West 66th Street, Suite 314

Shawnee, Kansas 66226

Phone: (913) 422-5198

1 modifications?

2 A. The only times I have heard the District Manager be
3 talked about in those kind of things is that they tell
4 us how many labor hours we are supposed to have, or say
5 we have an event, my Store Manager will say, "Oh, I
6 asked them to invest extra labor because we have Fiesta.
7 We have this many extra hours on the schedule this week
8 to cover that."

9 Q. Okay, and then I believe you talked a little bit
10 about discipline.

11 Isn't it true that the District Manager is involved
12 with some investigations into disciplinary matters?

13 A. Yeah. Like if there is an investigation, I believe
14 they are sometimes involved.

15 Q. Okay, have you ever been involved with the District
16 Manager during an investigation?

17 A. I have had to write like witness statements when
18 some things have happened before.

19 Q. All right, and you spoke to the District Manager
20 about that?

21 A. I have had to write -- it is usually that I would
22 give a written statement at the direction of my Store
23 Manager, that I believe goes to the District Manager.

24 Q. Okay.

25 A. I didn't speak directly to him.

1 Q. Okay, and how many times has that happened?

2 A. Maybe four times total, that I have had to give a
3 written statement.

4 Q. To the District -- that went to the District
5 Manager, correct?

6 A. *[No audible response]*

7 Q. You also talked a little bit about we call the
8 "borrowing Partners," when you have worked at other
9 stores. I think you said you have been another store
10 about ten to twenty times; is that accurate? Is that
11 what you said?

12 A. Yes, I've -- outside as far as my home store, I
13 have been borrowed out maybe ten to twenty times in
14 total, yeah.

15 Q. Okay, so I would like to go over a couple stores
16 here quickly.

17 Have you ever worked at the North Star Mall Store,
18 No. 2835?

19 A. I don't think so.

20 Q. That is at 7400 San Pedro.

21 A. No. I am not going to remember.

22 Q. Okay.

23 A. I have been there, but I don't think I have worked
24 there.

25 Q. Okay, have you worked at the San Pedro and Rector

1 store, No. 2881?

2 A. No.

3 Q. All right, and have you worked at the Lockhill
4 Selma store?

5 A. No.

6 Q. Rivercenter Mall?

7 A. Yes.

8 Q. About how many times?

9 A. I have worked there a few times; probably the
10 majority of the times I have worked at another store,
11 all but one or two times, it has been at Rivercenter
12 Mall, yeah.

13 Q. Okay, so have you worked there one shift at a time,
14 for long periods of time, or --

15 A. I have been -- like they needed somebody on like a
16 -- like, "Can you send somebody from your store right
17 now, because we are so short-staffed?" I have gone in
18 that situation maybe two times, and then there was a
19 month or two during the pandemic where we were having to
20 like borrow shifts across the store, like frequently,
21 and I would be scheduled there a few times, like once or
22 twice a week.

23 Q. Okay, and what type of store is that? Is it a
24 drive-through, café --

25 A. It is café-only, as well.

ARS REPORTING LLC

22052 West 66th Street, Suite 314

Shawnee, Kansas 66226

Phone: (913) 422-5198

1 Q. Okay. And do you know that store to be in District
2 2087?

3 A. Yeah.

4 Q. Okay. Have you worked at the Medical and Wurzbach
5 store?

6 A. No.

7 Q. How about Wurzbach and Gardendale?

8 A. No.

9 Q. Okay, have you worked at Wurzbach and Northwest
10 Military?

11 A. No.

12 Q. How about Callaghan and Horizon Hill?

13 A. No.

14 Q. Okay, have you ever been to the 410 and Vance
15 Jackson?

16 A. Okay, I have been there, but I have never worked
17 there.

18 Q. How about Vance Jackson and Huebner?

19 A. No -- oh, that one I have worked at, but when I was
20 at the Huebner Oaks location.

21 Q. Okay.

22 A. A different District.

23 Q. And then, have you worked at Fredericksburg and
24 Medical?

25 A. No.

ARS REPORTING LLC

22052 West 66th Street, Suite 314

Shawnee, Kansas 66226

Phone: (913) 422-5198

1 Q. Have you ever worked at Blanco and Wurzbach?

2 A. No.

3 Q. So the only one you have worked at in District 2087
4 was at Rivercenter?

5 A. Correct. And then, the only other store I have
6 been borrowed to recently was Quincy and McCullough,
7 which may have been in the District at the time, but I
8 am not really sure.

9 Q. Do you remember when you worked at that store?

10 A. Like two or three years ago. Probably two. It was
11 in January two years ago, I think.

12 Q. And was that a one --

13 A. Yeah, it was a one-time. Someone had an
14 appointment they couldn't miss, and they were keyholder,
15 and no one else could cover.

16 Q. You also talked a little bit about some safety
17 incidents at your store. Isn't it true that you don't
18 know what, if any, involvement the District Manager has
19 in safety policies at your store?

20 A. Well, I know that they have some involvement
21 occasionally, but I don't know the exact extent, or a
22 hundred percent.

23 Q. When you say they have some involvement, what have
24 you seen a District Manager involved in?

25 A. I know that when we fill out Incident Reports, the

ARS REPORTING LLC

22052 West 66th Street, Suite 314

Shawnee, Kansas 66226

Phone: (913) 422-5198

1 District Manager receives a copy of them.

2 Q. Okay, and are you filling one out every time you
3 have to call the police?

4 A. Typically, we fill that out most times we call the
5 police. There are times where they don't get filled
6 out, but typically if it is like a -- if it is an
7 incident, you are supposed to fill out an Incident
8 Report.

9 Q. Okay, so the District Manager would generally -- at
10 the time you are completing an Incident Report, you
11 understand that might go to the District Manager?

12 A. I believe they get an e-mail of the Incident
13 Reports, is my understanding.

14 Q. Okay. And then, you also talked a little bit about
15 changes in store management.

16 A. Yes.

17 Q. I think you said you have been through five or six
18 Store Managers; is that right?

19 A. Five at the current location I am at.

20 Q. Okay. And is it true that you don't know what, if
21 any, the District Manager's involvement in changing
22 Store Managers is?

23 A. I wouldn't -- I don't know the exact involvement
24 between them.

25 MS. PLOOF: I do not think I have any further

1 questions at this time.

2 HEARING OFFICER SYKES: Do you have any additional
3 questions on redirect, Manuel?

4 MR. QUINTO-POZOS: I don't believe I do, no.

5 Thank you.

6 HEARING OFFICER SYKES: Okay. I think I just had a
7 few questions.

8 EXAMINATION BY THE COURT

9 HEARING OFFICER SYKES: I'm sorry if you said this,
10 but I don't have it.

11 You mentioned the current Store Manager is Michael.
12 Do -- what is the last name?

13 THE WITNESS: Boudreaux.

14 HEARING OFFICER SYKES: Okay.

15 THE COURT REPORTER: Can I get a spelling on that,
16 please?

17 THE WITNESS: I can try. You might need to check
18 on that one. It is a little complicated with the "x's,"
19 and things.

20 Hold on one sec. I can find out.

21 All right, I believe it is -- okay, yeah. It is
22 B-o-u-d-r-e-a-u-x.

23 THE COURT REPORTER: Thank you.

24 HEARING OFFICER SYKES: Okay and I -- you had
25 mentioned working at Rivercenter Mall. Do you know the

ARS REPORTING LLC

22052 West 66th Street, Suite 314
Shawnee, Kansas 66226
Phone: (913) 422-5198

1 address or the Store Number of that?

2 THE WITNESS: The Store Number, I think, is -- let
3 me think. It has got a lot of 3's and 6's.

4 The address is on Commerce. I can check the
5 address if that helps.

6 Give me one second.

7 HEARING OFFICER SYKES: I mean, is it 849 East
8 Commerce?

9 THE WITNESS: That sounds right.

10 HEARING OFFICER SYKES: Okay, and the reason I ask
11 is that, you know, in our exhibits we refer to it as
12 Store 6306 --

13 THE WITNESS: That's it, yeah. Yeah, I know it has
14 got 3's and 6's.

15 HEARING OFFICER SYKES: Okay.

16 [Long pause]

17 HEARING OFFICER SYKES: And as a Shift Supervisor,
18 are you -- are you involved at training, like for new
19 employees at that store?

20 THE WITNESS: Sometimes, but not super frequently,
21 no.

22 HEARING OFFICER SYKES: I see.

23 THE WITNESS: At our store, or at Rivercenter?
24 I have never trained anyone at Rivercenter.

25 HEARING OFFICER SYKES: Oh, at your store.

ARS REPORTING LLC

22052 West 66th Street, Suite 314
Shawnee, Kansas 66226
Phone: (913) 422-5198

1 THE WITNESS: Yeah, okay. Yeah.

2 HEARING OFFICER SYKES: And as far as when working
3 at your store, have you been given like formal
4 evaluations for your -- you know, for how you are doing?

5 THE WITNESS: Not at this store. They used to do
6 them back in the day.

7 Formal evaluations on me, specifically?

8 We will have development conversations, but it is
9 not like an evaluation, or they'll evaluate how a shift
10 is running, but it is not like -- yeah, it is not what I
11 would consider like a personal evaluation of how I am
12 doing.

13 HEARING OFFICER SYKES: And who would have that
14 meeting with you?

15 THE WITNESS: My Store Manager.

16 HEARING OFFICER SYKES: And if you need to adjust
17 your schedule or request time off, how do you go about
18 doing that?

19 THE WITNESS: There's a, like an online tool that
20 you can set your availability and ask for specific time
21 off, and it is approved by your Store Manager.

22 HEARING OFFICER SYKES: Okay.

23 THE WITNESS: Or sometimes if you have something
24 last minute, you can go to them directly, as well.

25 HEARING OFFICER SYKES: I see.

ARS REPORTING LLC

22052 West 66th Street, Suite 314
Shawnee, Kansas 66226
Phone: (913) 422-5198

1 And have you done that last minute situation before
2 with the current Store Manager?

3 THE WITNESS: We -- yes.

4 HEARING OFFICER SYKES: Okay, and how -- do you
5 know the process of how they approved it, or how quickly
6 was -- was it like an on-the-spot approval?

7 THE WITNESS: The last time that happened, it was
8 an on-the-spot approval, yeah.

9 HEARING OFFICER SYKES: Okay. And does your store,
10 your home store, is there a particular like chat or
11 messaging -- group messaging that employees use to
12 discuss like shift swaps or anything like that?

13 THE WITNESS: So, there is a way to do it. There
14 is like an app that we use, like we can swap shifts in,
15 but there is, and I know it is not an official thing
16 that we do have, like a group chat that people will ask
17 for other people to cover their shifts.

18 HEARING OFFICER SYKES: Okay.

19 THE WITNESS: But it is not like -- there --
20 there's an official way you can swap shifts with other
21 Partners, and then there is also a group chat that most
22 of us will participate in if we need something more
23 urgently than that.

24 HEARING OFFICER SYKES: And is this group chat, you
25 know, is it like GroupMe or is it a Discord or --

ARS REPORTING LLC

22052 West 66th Street, Suite 314

Shawnee, Kansas 66226

Phone: (913) 422-5198

1 THE WITNESS: It is just a messaging --

2 HEARING OFFICER SYKES: Okay.

3 THE WITNESS: Just a group message.

4 HEARING OFFICER SYKES: I see.

5 And is the Store Manager in this group message?

6 THE WITNESS: No.

7 HEARING OFFICER SYKES: Okay, it is just the
8 employees?

9 THE WITNESS: *[No audible response]*

10 HEARING OFFICER SYKES: All right, and is this
11 group chat only employees at your home store, the 200
12 East Houston --

13 THE WITNESS: Yes.

14 HEARING OFFICER SYKES: Okay and in your
15 experience, if you needed a shift coverage, would you --
16 where would you first try to get it? Through that group
17 chat, or through the app?

18 THE WITNESS: If I needed something like -- and it
19 wasn't like -- you know, if it was weeks in advance, I
20 might put the shift up on the -- on the app or whatever,
21 but if it was in the next day or two, which is usually
22 when it would be, I would typically send out a group
23 text to everybody, barring an emergency, of course, then
24 I would tell my Store Manager, "I can't make it. I'm
25 sorry."

ARS REPORTING LLC

22052 West 66th Street, Suite 314

Shawnee, Kansas 66226

Phone: (913) 422-5198

1 I -- if I have enough notice, I would -- I would
2 text the group chat. I might text individual Partners
3 that are off that day, and advise them specifically, and
4 then, if all else fails, and -- then I might try to call
5 other stores.

6 HEARING OFFICER SYKES: I see. And the app that, I
7 guess, the Starbucks app that you can use for this
8 purpose, do you -- do you know long that has been in
9 existence?

10 THE WITNESS: The ability to actually swap shifts
11 on it hasn't been a super long-standing feature, and I
12 don't particularly use it. I am not sure exactly when
13 it started.

14 HEARING OFFICER SYKES: Okay.

15 [Long pause]

16 HEARING OFFICER SYKES: All right, so, are you at
17 all involved in like the hiring process at that store,
18 or do you know how the hiring process works at that
19 particular store?

20 THE WITNESS: I -- I have seen people do
21 interviews, but I am not one of the people who
22 interviews.

23 HEARING OFFICER SYKES: Okay, and who does the
24 interviews at that store that you have observed?

25 THE WITNESS: Our Store Manager typically does the

1 interviews.

2 HEARING OFFICER SYKES: Okay.

3 *[Long pause]*

4 HEARING OFFICER SYKES: And, you know, you have
5 been borrowed to other stores. Outside of working at,
6 you know, maybe the Rivercenter Mall, do you ever have
7 any regular contact with the employees at any of these
8 other stores?

9 THE WITNESS: No. No, none.

10 HEARING OFFICER SYKES: Okay. I don't have any
11 other questions. I guess does the -- I will ask the
12 Petitioner, do you have any other questions?

13 MR. QUINTO-POZOS: I do not.

14 HEARING OFFICER SYKES: Okay, does the Employer
15 have any?

16 MS. PLOOF: Nothing further at this time.

17 HEARING OFFICER SYKES: Okay.

18 Well, at this time, you are excused, and thank you
19 for taking the time to do this.

20 THE WITNESS: Thank you.

21 MR. QUINTO-POZOS: Thank you, Sarah.

22 *[Witness excused]*

23 HEARING OFFICER SYKES: Are you ready to call your
24 next witness, or do you need a few minutes?

25 MR. QUINTO-POZOS: I'm ready now.

1 HEARING OFFICER SYKES: Okay. So, you can go ahead
2 and call your next witness.

3 MR. QUINTO-POZOS: The Petitioner would like to
4 call Juan Cantu Narroquin as its next witness.

5 HEARING OFFICER SYKES: Hi, Juan.

6 I know you have been observing, so you know I am
7 the Hearing Officer.

8 You know, just like I said to the prior witness,
9 just make sure to give a verbal response, and if
10 somebody objects to a question, just let me rule on it
11 before you answer. If you don't understand the
12 question, tell us that you don't understand it.

13 THE WITNESS: Yes, sir.

14 HEARING OFFICER SYKES: Thank you.

15 I will swear you in now...

16 (Whereupon,

17 **JUAN CANTU NARROQUIN**

18 having been sworn/affirmed, was called as a witness
19 herein, and was examined and testified via video-
20 conference, as follows:)

21 HEARING OFFICER SYKES: Thank you.

22 DIRECT EXAMINATION

23 Q. BY MR. QUINTO-POZOS: Good morning.

24 A. Good morning.

25 Q. Could you state and spell your name?

ARS REPORTING LLC

22052 West 66th Street, Suite 314
Shawnee, Kansas 66226
Phone: (913) 422-5198

1 A. Yes, my name is Juan Cantu Narroquin, and it is
2 J-u-a-n, C-a-n-t-u, N-a-r-r-o-q-u-i-n.

3 Q. Thank you.

4 And Juan, what are your preferred pronouns?

5 A. They/them.

6 Q. Okay, thank you.

7 And how are you employed?

8 A. At Starbucks as a Barista.

9 Q. And do you have a home store?

10 A. I guess it would be the Starbucks at Houston and
11 Saint Mary's.

12 Q. And how long have you worked for Starbucks?

13 A. Since last October. I believe this month will be
14 my sixth month.

15 Q. And have you had a different home store?

16 A. No.

17 Q. When you were hired in October, did you have an
18 interview?

19 A. Yes.

20 Q. And who interviewed you?

21 A. It was the previous Store Manager, Daniel Nauca
22 *[Phonetic]*.

23 Q. Was anyone else interviewing you, or participating
24 in the interview?

25 A. No.

ARS REPORTING LLC

22052 West 66th Street, Suite 314

Shawnee, Kansas 66226

Phone: (913) 422-5198

1 Q. And then, what happened after the interview?

2 A. After the interview, I was -- I was called in to
3 the store to have some document work filled out.

4 Q. Did you eventually get a job offer?

5 A. Yes. I got the offer during the interview.

6 Q. Did -- did the Store Manager say anything about
7 needing to check with the District Manager about making
8 you a job offer?

9 A. No.

10 Q. Have you worked at other locations?

11 A. I have in the past, and it was only at the
12 Rivercenter location.

13 Q. How many times?

14 A. I believe it was about three, four, or five times.

15 Q. Did you -- after you were hired, did you undergo
16 training?

17 A. My -- my training was a bit weird. At first, upon
18 being hired, I was assigned to be trained under Sarah, I
19 believe, but as I started working, it kind of became
20 like -- you know, I will be trained by whoever is
21 available during that shift, and then that's when
22 Daniel, the previous Manager was no longer showing up,
23 and after we got new management, I was sent to
24 Rivercenter to be officially trained, or properly
25 trained.

ARS REPORTING LLC

22052 West 66th Street, Suite 314

Shawnee, Kansas 66226

Phone: (913) 422-5198

1 Q. How long did you train at Rivercenter?

2 A. I trained at Rivercenter for about three days, I
3 believe.

4 Q. So when you mentioned earlier that you had worked
5 at Rivercenter three to five times, does that include
6 the three -- the approximately three days that you were
7 training there?

8 A. Yes, and like the other two times were just shifts
9 that I picked up.

10 Q. And how did you -- how did you pick up those
11 shifts?

12 A. One second, sorry. *[Coughing]*

13 I -- I saw -- I don't think it was through the app.
14 I believe I heard that there was just coverage needed,
15 and I just, you know -- I just volunteered to pick up
16 that shift.

17 Q. Okay. And when you have been working at Houston
18 and Saint Mary's, have you seen Partners from other
19 stores working at Houston and Saint Mary's?

20 A. Uh-huh. Yes.

21 Q. How often have you seen that?

22 A. I occasionally see Partners from different stores
23 working at the store. Like Sarah said, like maybe once
24 a week.

25 MR. QUINTO-POZOS: I don't believe I have any

ARS REPORTING LLC

22052 West 66th Street, Suite 314

Shawnee, Kansas 66226

Phone: (913) 422-5198

1 additional questions, so I will pass the witness.

2 HEARING OFFICER SYKES: Does the Employer have any
3 cross?

4 *[Long pause]*

5 MS. PLOOF: We don't think so. Sorry.

6 HEARING OFFICER SYKES: Yah, I don't think I have
7 any questions either.

8 Okay, thank you.

9 You are excused, and that was very short.

10 *[Witness excused]*

11 HEARING OFFICER SYKES: Do -- does the Petitioner
12 have any other witnesses they want to present?

13 MR. QUINTO-POZOS: We don't have any additional
14 witnesses, but I would like to offer up the exhibits at
15 this time.

16 HEARING OFFICER SYKES: Okay.

17 MR. QUINTO-POZOS: So I would like to offer
18 Petitioner's Exhibit 1 and 2, which are excerpts of the
19 Employer's aggregate data for Fiscal Year 2022, for the
20 petitioned-for store, No. 15287.

21 **(Petitioner's Exhibit 1 and Exhibit 2, marked for**
22 **identification.)**

23 HEARING OFFICER SYKES: Okay, so hearing no
24 objections, Petitioner's Exhibits 1 and 2 are entered
25 into the record.

1 (Petitioner's Exhibit 1 and Exhibit 2, received into
2 evidence.)

3 MR. QUINTO-POZOS: And I think that does it for the
4 Petitioner's case.

5 HEARING OFFICER SYKES: Okay. So, I guess I would
6 ask, I mean, does the Employer want to present witnesses
7 or --

8 MR. RAHHAL: No, I think the Employer rests its
9 case.

10 HEARING OFFICER SYKES: Okay.

11 [Long pause]

12 MR. RAHHAL: This might be a record.

13 HEARING OFFICER SYKES: Yeah, so at this point, I
14 will kind of get the parties' final positions, and then
15 I will also get the positions on the election details,
16 which you know, we may need to go off the record for a
17 few minutes to do that.

18 So, I guess I will start with the Employer.

19 You know, what is the Employer's final position on
20 this matter, as far as the appropriate unit?

21 MR. RAHHAL: Well, again, I think we stated it over
22 and over, and time and time again, based on the evidence
23 that is in the record, which establishes significant
24 interchange. In fact, the witnesses today stated on the
25 record, that at least at some point, they trained at

1 other stores, and at some point, they worked at other
2 stores. They have seen Partners from other stores
3 within the District work at their store. So the
4 evidence is clear about the interchange.

5 I also think the record is replete with Casey
6 Martin's testimony about the integration of HR, labor
7 and management of all of the stores within the District,
8 such that a single store is not an appropriate unit. It
9 would make no sense.

10 It would be absurd in light of the way Starbucks
11 operates all of its stores within the District, and our
12 position is that the only appropriate unit here is a
13 unit that would consist of all of the stores within
14 District 2087.

15 HEARING OFFICER SYKES: And what is the
16 Petitioner's final position?

17 MR. QUINTO-POZOS: The Petitioner's position is
18 that this case is -- is, and should be, like all of the
19 other cases that the Regions have decided, and that the
20 Board has affirmed the Regions on, throughout the
21 country, is clear that Starbucks is run as a national or
22 international corporation, with lots of uniformity from
23 the top. However, the relevant question is the degree
24 of independence at the particular store, and whether
25 that the -- the Petitioner -- the Employer's evidence is

1 sufficient to overcome the presumption that the law --
2 the law, that exists under the law.

3 Now, we have got testimony from the District
4 Manager about -- about these factors. We have also just
5 heard evidence from the workers at the particular stores
6 that talk about the degree of -- that it makes a
7 difference whether one works at one store versus another
8 store when it comes to the work environment, safety
9 incidents. We have heard testimony that the Store
10 Manager, himself or herself, makes a huge difference in
11 what the store is like, and how the shifts -- the shifts
12 and the schedules are made, and how Partners experience
13 the work environment.

14 We have heard testimony that -- and there is
15 evidence on the record of -- exactly about the amount of
16 interchange that happens between these stores. This
17 degree of interchange has been insufficient in prior
18 cases to overcome the presumption, and for that same
19 reason, the -- the presumption has not been overcome in
20 this case, and a single unit is appropriate in this
21 case, as well.

22 HEARING OFFICER SYKES: Okay.

23 I guess we will go off the record for a second.

24 *[Off the record]*

25 HEARING OFFICER SYKES: Okay.

1 THE COURT REPORTER: We are on.

2 HEARING OFFICER SYKES: Okay, so now I would like
3 to explore election details in the event an election is
4 directed.

5 If an election is directed, it will be scheduled
6 for the earliest date practical.

7 So this question goes to the Petitioner...

8 If an election is directed, are you willing any
9 portion of the ten-day requirement for the Voter List?

10 MR. QUINTO-POZOS: Yes, the Union would like to
11 waive seven days of the ten-day period.

12 HEARING OFFICER SYKES: Okay. All right, and...

13 [Long pause]

14 HEARING OFFICER SYKES: And now, I am just looking
15 at the -- of course, positions could change, but the --
16 in the Position Statement, the Responsive Position
17 Statement, the Petitioner took the position that a mail
18 ballot or mixed mail/manual election would be
19 appropriate. The factors that they cited are the
20 unavailability of the store as an election cite,
21 potential confusion regarding a physical site outside of
22 the store, the undue strain on resources to find an
23 alternative location. They also indicated that the
24 employees' work schedules are scattered, in that they
25 are predominantly part-time and vary significantly

ARS REPORTING LLC

22052 West 66th Street, Suite 314
Shawnee, Kansas 66226
Phone: (913) 422-5198

1 enough that employees are not present at a common
2 location at common times, and that, additionally,
3 because many of the employees are only available one or
4 two days a week, some of which do not overlap with other
5 availabilities. Many do not live downtown and rely on
6 transportation from friends or relatives or other means,
7 and have other obligations, so a mail or mixed
8 mail/manual would be appropriate. And then, the
9 Employer's proposed location which is at a hotel nearby
10 would be inconvenient to those who are not scheduled to
11 work on the day of the election.

12 So, I want to get the Petitioner's -- if they want
13 to provide anything else on this?

14 MR. QUINTO-POZOS: Yeah. As you stated, Mr.
15 Hearing Officer, positions do evolve.

16 I do think that the factors that are stated in the
17 Union's Responsive Statement of Positions -- Position,
18 are relevant and still apply, however, at this time, the
19 Union is not opposed to an in-person election.

20 When we get to the point of dates and times, I
21 think the Union does have some specific thoughts on
22 that.

23 In terms of a location, I -- I think the hotel or
24 the Federal Building that came up as a topic of
25 conversation during our pre-hearing conference

ARS REPORTING LLC

22052 West 66th Street, Suite 314

Shawnee, Kansas 66226

Phone: (913) 422-5198

1 yesterday, would be about equally acceptable. The
2 Federal Building is a few blocks further away from where
3 the employees can park, so it would not be as
4 convenient, but, of course, the Union is aware of cost
5 considerations that might factor into the Regional
6 Director's decision.

7 Again, when it comes time to discuss the day and
8 time of the election, the Union has some definitive
9 thoughts about that --

10 HEARING OFFICER SYKES: Okay, you -- you can give
11 us those right now then.

12 MR. QUINTO-POZOS: Okay. Similar to the Union's
13 position on this, regarding the Austin store, the Union
14 would request voting over a two-day period, preferably a
15 Friday and Saturday, or a Thursday and Friday.

16 In either case, the Union's position is that the
17 hours on that particular Friday of the two-day period
18 should be long enough to cover all three shifts, and to
19 go sufficiently long into the afternoon, so that those
20 who are students during the day, are -- are able to come
21 and vote after they are done with school. And so, the
22 Union's position then would be that on that particular
23 Friday, that the voting period should last until about
24 5:00 p.m. or so.

25 HEARING OFFICER SYKES: Okay. Is there any

ARS REPORTING LLC

22052 West 66th Street, Suite 314

Shawnee, Kansas 66226

Phone: (913) 422-5198

1 particular times when they believe it should start,
2 or...

3 MR. QUINTO-POZOS: Yes, similar to the Austin case,
4 the Union's position would be that starting around 8:00
5 or 9:00 a.m., and then having a period in the morning,
6 say through mid-morning, and then another period that
7 covers the afternoon.

8 I don't believe that I have the information handy
9 on the shifts.

10 HEARING OFFICER SYKES: Okay, I see.

11 MR. QUINTO-POZOS: I believe that the shifts -- if
12 the shifts are the same as they are in Austin, the
13 shifts would be approximately starting at 5:00 a.m. to
14 9:00 or 10:00, for the opening shift. Then, 10:00 or
15 11:00 a.m. until 3:00 p.m. for the midday shift, and
16 2:00 or 3:00 p.m. to close.

17 And so, again, as long as the voting period covers
18 these three shifts, that would be appropriate.

19 HEARING OFFICER SYKES: I see. And is there any
20 particular targeted date, or is it -- do you just want
21 it as soon as practicable, or as soon as possible?

22 MR. QUINTO-POZOS: As soon as possible, yes.

23 HEARING OFFICER SYKES: Okay, are there any dates
24 that you are aware of that would not be workable, or
25 would cause, you know, a lot of voters to not be able to

ARS REPORTING LLC

22052 West 66th Street, Suite 314
Shawnee, Kansas 66226
Phone: (913) 422-5198

1 participate?

2 MR. QUINTO-POZOS: I don't think we are looking at
3 the next two weeks, but I know I know that Fiesta is
4 happening in -- maybe this weekend and next weekend.
5 Aside from that, the Union is not aware of inconvenient
6 dates.

7 HEARING OFFICER SYKES: Okay, so your understanding
8 is that in the -- this weekend and the next weekend or
9 two?

10 MR. QUINTO-POZOS: That's correct.

11 Sarah, do you -- can you correct me on that?

12 MS. WAYMENT: Yeah, I believe Fiesta should be over
13 by the end of next weekend.

14 MR. QUINTO-POZOS: Thank you.

15 HEARING OFFICER SYKES: Okay, and just so I want to
16 get on the record, I -- as far as holding it at the
17 particular, you know, at the store, is -- what is the
18 Union's position on that?

19 MR. QUINTO-POZOS: I think that the Union and the
20 Employer probably would agree that the store is too
21 small to be able to accommodate the Board's protocols.

22 HEARING OFFICER SYKES: Okay. And are you aware --
23 is the Union aware of any space nearby that a tent could
24 be used?

25 MR. QUINTO-POZOS: I don't believe so. I think

ARS REPORTING LLC

22052 West 66th Street, Suite 314

Shawnee, Kansas 66226

Phone: (913) 422-5198

1 this location is in a downtown building. There is no --
2 there is no open spaces, I think, where a tent could be
3 accommodated.

4 HEARING OFFICER SYKES: Okay, and so is it the
5 Petitioner's position that they would be okay with the -
6 - either the hotel the Employer proposed, or the -- or
7 our Government building, but I guess the -- I guess
8 would the hotel be the preference, because it is closer?

9 MR. QUINTO-POZOS: Yes.

10 HEARING OFFICER SYKES: Okay.

11 MR. QUINTO-POZOS: I think that as Ms. Meyer said
12 yesterday, the hotel is either next door or across the
13 street. It -- it is very, very close.

14 HEARING OFFICER SYKES: Okay.

15 *[Long pause]*

16 HEARING OFFICER SYKES: Okay, thank you.

17 So I will now allow the Employer to give their
18 position on the election details.

19 MS. MEYER: Sure. We also agree that either the
20 hotel or the Federal Building would be appropriate. I
21 can -- like the Union, the hotel is closer, so it would
22 probably be more convenient for employees, but we are
23 open to the Federal building, as well.

24 We have -- you know, we are open to the idea of
25 holding an election on the weekend, like a Saturday. We

1 do understand that, you know, a lot of these folks are
2 scheduled on -- on the weekend, so that may be more
3 convenient for voters.

4 We are also -- I mean, I think the Union's proposed
5 voting times align very closely with what we had
6 proposed in our position statement, which was a morning
7 voting time from 9:00 to 10:30 a.m., and then an
8 afternoon voting time from 3:30 to 5:00 p.m. So
9 something along those lines is consistent with what we
10 had proposed.

11 I am not aware of any upcoming, you know, dates
12 that would be obstacles to holding an election or --- or
13 anything like that.

14 HEARING OFFICER SYKES: Okay, and -- I mean, I
15 assume, but I just want to get it on the record, that --
16 what is the Employer's position as to why the store
17 cannot be used?

18 MS. MEYER: Sure. There are a couple reasons.

19 First, definitely, is the size of the store. We
20 would not be able to comply with the Board's safety
21 protocols in terms of the number of tables, the amount
22 of space. We would also have, you know customers and
23 supervisors present in the store, which would affect our
24 laboratory conditions for holding an election, and also
25 it would be disruptive to operations.

ARS REPORTING LLC

22052 West 66th Street, Suite 314
Shawnee, Kansas 66226
Phone: (913) 422-5198

1 HEARING OFFICER SYKES: Okay, and -- yeah, just
2 like the Austin one, we didn't really have a...

3 I guess the date that you propose is May the 11th?
4 Is that still the preferred date of the Employer?

5 MS. MEYER: Yes, that is the preferred date, but we
6 are open to considering a weekend election.

7 HEARING OFFICER SYKES: I see.

8 And, you know, I guess, have you inquired about
9 availability at hotels at Valencia - Riverwalk, as far
10 as their --

11 MS. MEYER: I believe we inquired when we were
12 preparing the Position Statement. We haven't inquired
13 recently in advance of this hearing.

14 I did look on the website, and they have multiple,
15 you know, conference and event spaces, so, you know, it
16 is not like we are forced to just look at one option.

17 HEARING OFFICER SYKES: Okay. And, I am sure you
18 have probably said this in your Position Statement, but
19 the Employer -- if a manual election is directed, the
20 Employer is willing to comply with all of the relevant
21 safety precautions? I think maybe Memo 2010 is the one?

22 MS. MEYER: Yes, we are willing to comply with Memo
23 2010.

24 HEARING OFFICER SYKES: And just, your position, do
25 you share the position with the Petitioner that you

ARS REPORTING LLC

22052 West 66th Street, Suite 314
Shawnee, Kansas 66226
Phone: (913) 422-5198

1 don't believe that a tent could be used in this
2 location?

3 MS. MEYER: That's correct. Like the Petitioner
4 stated, this is a Downtown area. It is not like in a
5 shopping center or strip mall.

6 HEARING OFFICER SYKES: Okay.

7 [Long pause]

8 HEARING OFFICER SYKES: And I guess I get the
9 Petitioner's position...

10 The Employer proposed 9:00 to 10:30 and 3:30 to
11 5:00 p.m. Does the Petitioner believe that those times
12 would be appropriate, and would cover everybody?

13 MR. QUINTO-POZOS: I think that if the hours could
14 be a little bit more expanded, I think that that would
15 allow for -- for people who need to make special
16 arrangements to come Downtown. I mean, as I -- you
17 know, as was heard during the testimony, some employees
18 do not have transportation, and rely on family or
19 friends to come downtown, so I think that is a slightly
20 expanded timeframe would be appropriate to allow the
21 most voters to have the ability to vote.

22 HEARING OFFICER SYKES: So possibly a third session
23 in between those?

24 MR. QUINTO-POZOS: Either a third session in
25 between, or to -- to extend the two windows by another

ARS REPORTING LLC

22052 West 66th Street, Suite 314
Shawnee, Kansas 66226
Phone: (913) 422-5198

1 hour or half hour, perhaps.

2 HEARING OFFICER SYKES: And I guess -- because I
3 asked it last time -- you know, if -- this is to the
4 Employer.

5 If an election was directed for the District-wide
6 unit, would -- what do you think would be best way to do
7 that?

8 MS. MEYER: That is a good question

9 I mean, we -- I think the hotel could accommodate a
10 larger population of employees voting. We would just
11 have to look at getting a different room.

12 MR. RAHHAL: I would also add that in many, many
13 cases that we have had, Paul, where there are multiple
14 sites, multiple places where people are eligible voters,
15 we have had multiple voting sites operating
16 simultaneously, so we would consider that, as well,
17 because we want to make sure it is convenient for all of
18 these Partners to vote, because I am looking at some
19 statistics that just came out about manual versus mail
20 ballot, and we are getting about a 65 percent
21 participation rate; not just in Starbucks, but in mail
22 ballot elections, which is abysmal. Even I think the
23 Union would agree that we need higher participation
24 rates than that, and the percentage of ballots that are
25 being voided in mail ballot elections, versus in-person,

ARS REPORTING LLC

22052 West 66th Street, Suite 314
Shawnee, Kansas 66226
Phone: (913) 422-5198

1 is astronomical.

2 So, we would do whatever we need to do in working
3 with the Union and the Board, in ensuring that all of
4 the Partners would have a convenient time and location
5 in which they could vote.

6 HEARING OFFICER SYKES: Okay. Does the Petitioner
7 have any position on if we did direct a District-wide
8 election, how would be the best way to do that?

9 MR. QUINTO-POZOS: Yeah, I mean the Union's
10 position would be that if there is an election District-
11 wide, certainly the location downtown, as an only
12 location, would be extremely inconvenient for the
13 majority of the District, and so, I would echo the
14 Employer's sentiment that multiple locations would be
15 necessary in that instance, so including a location
16 Downtown, and then a location in the Medical Center area
17 to encompass the stores that are closer to that area.

18 And consistent with -- I am sensitive of the
19 Employer's arguments about this, but consistent with the
20 Union's position was, in the Austin case, I think that a
21 District-wide election might -- might require mail-in
22 ballots, just due to the nature of the size of the
23 District, and how spread apart the stores are.

24 HEARING OFFICER SYKES: Okay, I guess I will now
25 ask the Employer...

ARS REPORTING LLC

22052 West 66th Street, Suite 314
Shawnee, Kansas 66226
Phone: (913) 422-5198

1 Is -- is it -- I guess the Petitioner's position is
2 they -- they believe that two days are necessary; is
3 that correct?

4 MR. QUINTO-POZOS: I think two days would be ideal,
5 but I think if we were able to get a Friday, as I stated
6 earlier, that might resolve the necessity of -- and if
7 we had a long enough period that went into the
8 afternoon, that may not necessitate a two-day period.

9 HEARING OFFICER SYKES: I see.

10 What is the Employer's position on the amount of
11 days needed?

12 MS. MEYER: I think one day with multiple voting
13 times would be sufficient.

14 HEARING OFFICER SYKES: Okay. So is it the
15 Petitioner's position that Friday, in their view, would
16 be the best -- the absolute best day to hold one?

17 MR. QUINTO-POZOS: I believe so, yes.

18 HEARING OFFICER SYKES: And does the Employer agree
19 with that, or do they have...

20 MS. MEYER: I haven't specifically looked into
21 Friday. I know we did not have any objection to
22 Saturday. I think Friday would be okay, as well.

23 HEARING OFFICER SYKES: Okay.

24 [Long pause]

25 HEARING OFFICER SYKES: Okay, and -- I just have to

1 read this.

2 Please be advised that if the Employer does not
3 agree to permit the election to be held at the
4 Employer's facility, the Regional Director, at his or
5 her discretion, will direct a mail-ballot election or
6 off-site election.

7 [Long pause]

8 HEARING OFFICER SYKES: And then, is the on-site
9 representative -- is it -- for the Employer, is it the
10 same as in San Antonio-1, Casey Martin?

11 MS. MEYER: Yes, that's correct.

12 HEARING OFFICER SYKES: Okay.

13 Okay, well -- So, the Regional Director will issue
14 a Decision in this matter as soon as practical, and will
15 immediately transmit the document to the parties and
16 their designated representatives by e-mail, facsimile,
17 or by overnight mail if neither an e-mail address or fax
18 number is provided.

19 Prior to the hearing, the parties have been
20 provided with Form NLRB-5580, Description of Voter List
21 Requirements After Hearing in Certification and
22 Decertification Cases, which explains the Employer's
23 obligation to provide -- to furnish the Voter List,
24 should an election be directed in this matter. This
25 document is being marked for identification as Board's

ARS REPORTING LLC

22052 West 66th Street, Suite 314
Shawnee, Kansas 66226
Phone: (913) 422-5198

1 Exhibit 5.

2 **(Board's Exhibit 5, marked for identification.)**

3 HEARING OFFICER SYKES: If we will go off the
4 record, I just need to e-mail this.

5 *[Off the record]*

6 HEARING OFFICER SYKES: Okay, so, are there any
7 objections to the receipt of Board's Exhibit 5?

8 *[No response]*

9 HEARING OFFICER SYKES: Hearing no objections,
10 Board's Exhibit 5 is received into the record.

11 **(Board's Exhibit 5, received into evidence.)**

12 HEARING OFFICER SYKES: So any party is entitled,
13 upon request, for a reasonable period at the close of
14 the hearing for Oral Argument.

15 Does any party wish to make such a request at this
16 time?

17 *[No response]*

18 HEARING OFFICER SYKES: Okay, hearing no request,
19 so...

20 Any party desiring to submit a brief to the
21 Regional Director shall be entitled to do so within five
22 business days after the close of the hearing. Copies of
23 the briefs shall be served on all of the other parties
24 to the proceeding, and a statement of such service shall
25 be filed with the Regional Director, together with the

1 brief.

2 No reply brief may be filed, except upon special
3 permission from the Regional Director.

4 Does any party wish to waive the filing of post-
5 hearing briefs?

6 *[No response]*

7 HEARING OFFICER SYKES: Okay, so briefs in this
8 case would be due April 12th. Does any party wish to
9 request an extension?

10 MR. RAHHAL: Do we want to request an extension
11 now, Manuel, because I think we have another brief due
12 on the 11th, and that would just spread them out a
13 couple of days.

14 MS. MEYER: Yeah, even just to the 14th to get a
15 little distance between the Austin brief and the San
16 Antonio-2 brief?

17 MR. QUINTO-POZOS: I am not -- I am not going to
18 oppose that.

19 HEARING OFFICER SYKES: Okay, all right. So the
20 request is for a two-day extension until 14th?

21 MR. RAHHAL: Yes.

22 HEARING OFFICER SYKES: Okay, in consideration of
23 other, you know, briefs due with the NLRB, I will grant
24 an extension until April 14th, so briefs will be due on
25 April 14th.

ARS REPORTING LLC

22052 West 66th Street, Suite 314
Shawnee, Kansas 66226
Phone: (913) 422-5198

1 The parties are reminded that pursuant to Section
2 102.5 of the Board's Rules and Regulations, briefs and
3 other case documents must be filed by electronically
4 submitting, E-filing, through the Agency's website,
5 nlrb.gov, unless the party filing the document does not
6 have access to the means for filing electronically, or
7 filing electronically would impose an undue burden.
8 Briefs or other documents filed by means other than
9 E-filing must be accompanied by a statement explaining
10 why the filing party does not have access to the means
11 for filing electronically, or that filing electronically
12 would impose an undue burden.

13 Filing a brief or other document electronically may
14 be accomplished by using the E-filing system on the
15 Agency's website at nlrb.gov. Once the website is
16 accessed, click on "E-file Documents," and enter the
17 NLRB case number, and then follow the detailed
18 instructions which I am sure you guys are all very
19 familiar with by now. The responsibility for the
20 receipt of the document rests exclusively with the
21 sender. A failure to timely file the brief will not be
22 excused on the basis that the transmission could not be
23 accomplished because the Agency's website was offline or
24 unavailable for some other reason, absent a
25 determination of technical failure of the site, with

1 notice of such posted on the website.

2 So, at this time, I just want to make sure -- I
3 know Manuel sent the exhibits.

4 Dave, do you have all of the exhibits?

5 We can go off the record.

6 *[Off the record]*

7 HEARING OFFICER SYKES: We are back on.

8 So, the parties are reminded that they should
9 request an expedited copy of the transcript from the
10 Court Reporter.

11 If there is nothing further, the hearing will be
12 closed.

13 *[No response]*

14 HEARING OFFICER SYKES: Hearing no response, the
15 hearing is now closed.

16 ***[Whereupon, the hearing was closed at 11:00 a.m.]***

17

18

19

20

21

22

23

24

25

CERTIFICATION

This is to certify that the attached proceedings before the National Labor Relations Board (NLRB), in the matter of **Starbucks Corporation (Employer)** and **Workers United Southwest Regional Joint Board (Petitioner)**, **Case No. 16-RC-292335**, on Tuesday, the 5th of April, 2022, was held according to the record, and that this is the original, complete, and true and accurate transcript that has been compared to the recording, at the hearing, that the exhibits are complete and no exhibits received in evidence or in the rejected exhibit files are missing.

David Molinaro, Official Reporter

ARS REPORTING LLC

22052 West 66th Street, Suite 314

Shawnee, Kansas 66226

Phone: (913) 422-5198